



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twenty-fifth Meeting Day

Thursday Morning

February 22, 2001

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative P. Eric Turner.

The Pledge of Allegiance to the Flag was led by Representative L. Lawson.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 190: 100 present. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 26, 2001, at 1:00 p.m.

BODIKER

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 17, strike "In making the final determination of the" and insert "**After receiving the jury's recommendation, the court shall make a final determination of the sentence. However, before the court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on the family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant. After the statement is given, the court shall pronounce sentence.**".

Page 4, line 18, strike "sentence after receiving the jury's recommendation, the court"

Page 4, line 18, delete "shall"

Page 4, strike lines 19 through 20.

(Reference is to HB 1056 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "(a) Subject to this section, the" and insert "**The**".

Page 1, line 6, after "Internet" insert "**or another broadcast medium**".

Page 1, delete lines 10 through 13.

Page 2, delete lines 37 through 40.

Page 2, line 41, delete "(f)" and insert "**(e)**".

(Reference is to HB 1100 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "of" insert "**or in opposition to**".

Page 4, line 6, delete "A" and insert "**(a) Except as provided in**".

subsection (b), a".

Page 4, after line 11, begin a new paragraph and insert:

"(b) **The conduct prohibited in subsection (a) does not apply to:**

- (1) a person less than twenty-one (21) years of age who uses the identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);**
- (2) a minor (as defined in IC 35-49-1-4) who uses the identifying information of another person to acquire:**
 - (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);**
 - (B) a periodical, a videotape, or other communication medium that contains or depicts nudity as defined in (IC 35-49-1-5);**
 - (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or**
 - (D) an item that is prohibited by law for use or consumption by a minor; and**
- (3) a law enforcement or corrections officer acting in the scope of employment who takes identifying information from a person who is arrested or detained at a penal facility (as defined in IC 35-41-1-21).**

SECTION 3. IC 35-43-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A person who:

- (1) with intent to defraud, obtains property by:
 - (A) using a credit card, knowing that the credit card was unlawfully obtained or retained;
 - (B) using a credit card, knowing that the credit card is forged, revoked, or expired;
 - (C) using, without consent, a credit card that was issued to another person;
 - (D) representing, without the consent of the credit card holder, that the person is the authorized holder of the credit card; or
 - (E) representing that the person is the authorized holder of a credit card when the card has not in fact been issued;
- (2) being authorized by an issuer to furnish property upon presentation of a credit card, fails to furnish the property and, with intent to defraud the issuer or the credit card holder, represents in writing to the issuer that the person has furnished the property;
- (3) being authorized by an issuer to furnish property upon presentation of a credit card, furnishes, with intent to defraud the issuer or the credit card holder, property upon presentation of a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;
- (4) not being the issuer, knowingly or intentionally sells a credit card;
- (5) not being the issuer, receives a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;
- (6) with intent to defraud, receives a credit card as security for debt;
- (7) receives property, knowing that the property was obtained in violation of subdivision (1) of this section;
- (8) with intent to defraud the person's creditor or purchaser, conceals, encumbers, or transfers property;
- (9) with intent to defraud, damages property;
- (10) knowingly and with intent to defraud, makes, utters, presents, or causes to be presented to an insurer **or an insurance claimant**, a claim statement that contains false, incomplete, or misleading information concerning the claim; or
- (11) knowingly or intentionally:
 - (A) sells;
 - (B) rents;
 - (C) transports; or
 - (D) possesses;

a recording for commercial gain or personal financial gain that does not conspicuously display the true name and address of the manufacturer of the recording;

commits fraud, a Class D felony."

(Reference is to HB 1106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 4. IC 28-7-1-9, AS AMENDED BY P.L.62-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. A credit union has the following powers:

- (1) To issue shares of its capital stock to its members. No commission or compensation shall be paid for securing members or for the sale of shares.
- (2) To make loans to members or other credit unions. A loan to another credit union may not exceed twenty percent (20%) of the paid-in capital and surplus of the credit union making the loan.
- (3) To make loans to officers, directors, or committee members, but only if:
 - (A) the loan complies with all requirements under this chapter with respect to loans to other borrowers and is not on terms more favorable than those extended to other borrowers;
 - (B) upon the making of the loan, the aggregate amount of loans outstanding under this subdivision will not exceed twenty percent (20%) of the unimpaired capital and surplus of the credit union;
 - (C) the loan is approved by the credit committee or loan officer; and
 - (D) the borrower takes no part in the consideration of or vote on the application.
- (4) To invest in any of the following:
 - (A) Bonds, notes, or certificates that are the direct or indirect obligations of the United States, or of the state, or the direct obligations of a county, township, city, town, or other taxing district or municipality or instrumentality of Indiana and that are not in default.
 - (B) Bonds or debentures issued by the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) or the Home Owners' Loan Act (12 U.S.C. 1461 through 1468).
 - (C) Interest-bearing obligations of the FSLIC Resolution Fund and obligations of national mortgage associations issued under the authority of the National Housing Act.
 - (D) Mortgages on real estate situated in Indiana which are fully insured under Title 2 of the National Housing Act (12 U.S.C. 1707 through 1715z).
 - (E) Obligations issued by farm credit banks and banks for cooperatives under the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14).
 - (F) In savings and loan associations, other credit unions that are insured under IC 28-7-1-31.5 and certificates of indebtedness or investment of an industrial loan and investment company if the association or company is federally insured. Not more than twenty percent (20%) of the assets of a credit union may be invested in the shares or certificates of an association or company; nor more than forty percent (40%) in all such associations and companies.
 - (G) Corporate credit unions.
 - (H) Federal funds or similar types of daily funds transactions with other financial institutions.
 - (I) Mutual funds created and controlled by credit unions, credit union associations, or their subsidiaries. Mutual funds referred to in this clause may invest only in instruments that are approved for credit union purchase under this chapter.
 - (J) Shares, stocks, or obligations of any credit union service organization (as defined in Section ~~701-27~~ **712** of the Rules

and Regulations of the National Credit Union Administration) with the approval of the department. Not more than five percent (5%) of the total paid in and unimpaired capital of the credit union may be invested under this clause.

(5) To deposit its funds into:

(A) depository institutions that are federally insured; or

(B) state chartered credit unions that are privately insured by an insurer approved by the department.

(6) To purchase, hold, own, or convey real estate as may be conveyed to the credit union in satisfaction of debts previously contracted or in exchange for real estate conveyed to the credit union.

(7) To own, hold, or convey real estate as may be purchased by the credit union upon judgment in its favor or decrees of foreclosure upon mortgages.

(8) To issue shares of stock and upon the terms, conditions, limitations, and restrictions and with the relative rights as may be stated in the bylaws of the credit union, but no stock may have preference or priority over the other to share in the assets of the credit union upon liquidation or dissolution or for the payment of dividends except as to the amount of the dividends and the time for the payment of the dividends as provided in the bylaws.

(9) To charge the member's share account for the actual cost of necessary locator service when the member has failed to keep the credit union informed about the member's current address. The charge shall be made only for amounts paid to a person or concern normally engaged in providing such service, and shall be made against the account or accounts of any one (1) member not more than once in any twelve (12) month period.

(10) To transfer to an accounts payable, a dormant account, or a special account share accounts which have been inactive, except for dividend credits, for a period of two (2) years. The credit union shall not consider the payment of dividends on the transferred account.

(11) To invest in fixed assets with the funds of the credit union. An investment in fixed assets in excess of five percent (5%) of its assets is subject to the approval of the department.

(12) To establish branch offices, upon approval of the department, provided that all books of account shall be maintained at the principal office.

(13) To pay an interest refund on loans proportionate to the interest paid during the dividend period by borrowers who are members at the end of the dividend period.

(14) To purchase life savings and loan protection insurance for the benefit of the credit union and its members, if:

(A) the coverage is placed with an insurance company licensed to do business in Indiana; and

(B) no officer, director, or employee of the credit union personally benefits, directly or indirectly, from the sale or purchase of the coverage.

(15) To sell and cash negotiable checks, travelers checks, and money orders for members.

(16) To purchase members' notes from any liquidating credit union, with written approval from the department, at prices agreed upon by the boards of directors of both the liquidating and the purchasing credit unions. However, the aggregate of the unpaid balances of all notes of liquidating credit unions purchased by any one (1) credit union shall not exceed ten percent (10%) of its unimpaired capital and surplus unless special written authorization has been granted by the department.

(17) To exercise such incidental powers necessary or requisite to enable it to carry on effectively the business for which it is incorporated.

(18) To act as a custodian or trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit sharing plan which qualifies or qualified for specific tax treatment under Section 408(a) or Section 401(d) of the Internal Revenue Code, if the funds of the

trust are invested only in share accounts or insured certificates of the credit union.

(19) To issue shares of its capital stock or insured certificates to a trustee or custodian of a pension plan, profit sharing plan, or stock bonus plan which qualifies for specific tax treatment under Sections 401(d) or 408(a) of the Internal Revenue Code.

~~(20) Subject to the restrictions in section 9.1 of this chapter, to engage in any activities in which the credit union could engage if the A credit union were a federally chartered credit union, may exercise any rights and privileges that are:~~

~~(A) granted to federal credit unions; but~~

~~(B) not authorized for credit unions under the Indiana Code (except for this section) or any rule adopted under the Indiana Code;~~

if the department authorizes the credit union to engage in the activities: complies with section 9.2 of this chapter.

(21) To sell, pledge, or discount any of its assets, to purchase all or part of the assets of another credit union, and to assume the liabilities of the selling credit union. However, a credit union may not pledge any of its assets as security for the safekeeping and prompt payment of any money deposited, except that a credit union may, for the safekeeping and prompt payment of money deposited, give security as authorized by federal law.

(22) To act as a fiscal agent of the United States and to receive deposits from nonmember units of the federal, state, or county governments, from political subdivisions, and from other credit unions upon which the credit union may pay varying interest rates at varying maturities subject to terms, rates, and conditions that are established by the board of directors. However, the total amount of public funds received from units of state and county governments and political subdivisions that a credit union may have on deposit may not exceed ten percent (10%) of the total assets of that credit union, excluding those public funds.

(23) To join the National Credit Union Administration Central Liquidity Facility.

(24) To participate in community investment initiatives under the administration of organizations:

(A) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; and

(B) located or conducting activities in communities in which the credit union does business.

Participation may be in the form of either charitable contributions or participation loans. In either case, disbursement of funds through the administering organization is not required to be limited to members of the credit union. Total contributions or participation loans may not exceed one tenth of one percent (0.001) of total assets of the credit union. A recipient of a contribution or loan is not considered qualified for credit union membership. A contribution or participation loan made under this subdivision must be approved by the board of directors.

(25) To establish and operate an automated teller machine (ATM):

(A) at any location within Indiana; or

(B) as permitted by the laws of the state in which the automated teller machine is to be located.

(26) To demand and receive, for the faithful performance and discharge of services performed under the powers vested in the credit union by this article:

(A) reasonable compensation, or compensation as fixed by agreement of the parties;

(B) all advances necessarily paid out and expended in the discharge and performance of its duties; and

(C) unless otherwise agreed upon, interest at the legal rate on the advances referred to in clause (B).

(27) Subject to any restrictions the department may impose, to become the owner or lessor of personal property acquired upon the request and for the use of a member and to incur additional obligations as may be incident to becoming an owner or lessor of such property.

SECTION 5. IC 28-7-1-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.1. (a) A credit union or a related credit union service organization (as defined in section ~~0-5(7)~~ 0.5(7) of this chapter) that acts as an agent for the sale of a life insurance policy or an annuity contract issued by a life insurance company (as defined in IC 27-1-2-3):

- (1) is subject to the requirements of IC 27; and
- (2) must comply with the disclosure requirements of IC 28-1-11-2.6.

(b) A credit union or credit union service organization may not condition:

- (1) an extension of credit;
- (2) a lease or sale of real or personal property;
- (3) the performance of a service; or
- (4) the amount charged for:
 - (A) extending credit;
 - (B) leasing or selling real or personal property; or
 - (C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the credit union or related credit union service organization.

(c) This section does not prohibit a credit union or a credit union service organization from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the credit union or credit union service organization.

SECTION 6. IC 28-7-1-9.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.2. (a) As used in this section, "rights and privileges" means the power to:

- (1) create;
- (2) deliver;
- (3) acquire; or
- (4) sell;

a product, a service, or an investment that is available to or offered by federal credit unions domiciled in Indiana.

(b) A credit union that intends to exercise any rights and privileges that are:

- (1) granted to federal credit unions; but
- (2) not authorized for credit unions under the Indiana Code (except for this section) or any rule adopted under the Indiana Code;

shall submit a letter to the department describing in detail the requested rights and privileges granted to federal credit unions that the credit union intends to exercise. If available, copies of relevant federal law, regulations, and interpretive letters must be attached to the letter submitted by the credit union.

(c) The department shall promptly notify the requesting credit union of the department's receipt of the letter submitted under subsection (b). Except as provided in subsection (e), the credit union may exercise the requested rights and privileges sixty (60) days after the date on which the department receives the letter unless otherwise notified by the department.

(d) The department, through its members, may prohibit the credit union from exercising the requested rights and privileges only if the members find that:

- (1) federal credit unions domiciled in Indiana do not possess the requested rights and privileges; or
- (2) the exercise of the requested rights and privileges by the credit union would adversely affect the safety and soundness of the credit union.

(e) The sixty (60) day period referred to in subsection (c) may be extended by the department based on a determination that the credit union's letter raised issues requiring additional information or additional time for analysis. If the sixty (60) day period is extended under this subsection, the credit union may exercise the requested rights and privileges only if the credit union receives prior written approval from the department. However:

- (1) the members must:
 - (A) approve or deny the requested rights and privileges; or
 - (B) convene a hearing;
- not later than sixty (60) days after the department receives the

credit union's letter; and

(2) if a hearing is convened, the members must approve or deny the requested rights and privileges not later than sixty (60) days after the hearing is concluded.

(f) The exercise of rights and privileges by a credit union in compliance with and in the manner authorized by this section is not a violation of any provision of the Indiana Code or rules adopted under IC 4-22-2.

(g) Whenever, in compliance with this section, a credit union exercises rights and privileges granted to federal credit unions domiciled in Indiana, all credit unions may exercise the same rights and privileges if the department by order determines that the exercise of the rights and privileges by all credit unions would not adversely affect their safety and soundness.

(h) If the department denies the request of a credit union under this section to exercise any rights and privileges that are granted to federal credit unions, the credit union may appeal the decision of the department to the circuit court with jurisdiction in the county in which the principal office of the credit union is located. In an appeal under this section, the court shall determine the matter de novo."

Renumber all SECTIONS consecutively.

(Reference is to HB 1113 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BODIKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1156, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "means, with respect to a new motor" and insert "means the following:

(1) With respect to a:

- (A) proposed new motor vehicle dealer in a county having a population of more than one hundred thousand (100,000); or
- (B) new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population of more than one hundred thousand (100,000);

the area within a radius of six (6) miles of the intended site of the proposed or relocated dealer. The six (6) mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's place of business.

(2) With respect to a:

- (A) proposed new motor vehicle dealer in a county having a population that is not more than one hundred thousand (100,000); or
- (B) new motor vehicle dealer who plans to relocate the dealer's place of business in a county having a population that is not more than one hundred thousand (100,000);

the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer, or the county line, whichever is closer to the intended site. The ten (10) mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business."

Page 1, delete lines 5 through 17, begin a new paragraph and insert: "SECTION 2. IC 9-18-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) An Indiana resident who owns a vehicle required to be registered under this title may, for the purpose of delivering or having delivered the vehicle to the residence or place of business of the resident, apply for and obtain a temporary permit that allows the person or the person's agent or employee to operate the vehicle upon the highways without obtaining a certificate

of title or registration for the vehicle. The permit is valid for not more than ~~forty-eight (48)~~ **ninety-six (96)** hours.

(b) A person must do the following to obtain a permit under this section:

- (1) Pay the required fee with the application.
- (2) Provide proof of financial responsibility in the amounts specified under IC 9-25 in the form required by the bureau."

Page 3, line 1, delete "It is an unfair practice for a manufacturer or" and insert "(a) **This section does not apply to the relocation of a new motor vehicle dealer to a location that is not more than two (2) miles from its established place of business.**

(b) **This section does not apply to the reopening or replacement in a relevant market area of a closed dealership that has been closed within the preceding year, if the established place of business of the reopened or replacement dealer is within two (2) miles of the established place of business of the closed dealership.**

(c) **Before a franchisor enters into a franchise establishing or relocating a new motor vehicle dealer within a relevant market area where the same line make is represented, the franchisor shall give written notice to each new motor vehicle dealer of the same line make in the relevant market area of the franchisor's intention to establish an additional dealer or to relocate an existing dealer within that relevant market area.**

(d) **Not later than thirty (30) days after:**

- (1) receiving the notice provided for in subsection (c); or
- (2) the end of any appeal procedure provided by the franchisor;

a new motor vehicle dealer may bring a declaratory judgment action in the circuit court for the county in which the new motor vehicle dealer is located to determine whether good cause exists for the establishing or relocating of a proposed new motor vehicle dealer. If an action is filed, the franchisor may not establish or relocate the proposed new motor vehicle dealer until the circuit court has rendered a decision on the matter. An action brought under this section shall be given precedence over all other civil matters on the court's docket.

(e) **In determining whether good cause exists for establishing or relocating an additional new motor vehicle dealer for the same line make, the court shall take into consideration the existing circumstances, including the following:**

- (1) **Permanency of the investment.**
- (2) **Effect on the retail new motor vehicle business and the consuming public in the relevant market area.**
- (3) **Whether it is injurious or beneficial to the public welfare.**
- (4) **Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line make in the market area, including the adequacy of motor vehicle sales and qualified service personnel.**
- (5) **Whether the establishment or relocation of the new motor vehicle dealer would promote competition.**
- (6) **Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area.**
- (7) **The effect on the relocating dealer of a denial of its relocation into the relevant market area."**

Page 3, delete lines 2 through 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "The governor shall issue a proclamation each year" and insert:

"The Indiana commission for women shall each year designate August 26 as Equality Day for Women in Indiana. The commission shall do the following:

- (1) Request a proclamation from the governor each year designating August 26 as Equality Day for Women in Indiana.**
- (2) Provide information and other forms of educational outreach to the public about the Women's Suffrage Movement."**

Page 1, delete lines 6 through 10.

(Reference is to HB 1172 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1254, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, after "interview" insert "a".

Page 2, line 12, strike "employees." and insert **"employee or interview an employee about a possible promotion."**

(Reference is to HB 1293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1680, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 6.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1921, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 3.

DVORAK, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1040, 1066, 1099, 1193, 1216, 1264, 1386, 1388, 1392, 1401, 1415, 1577, 1635, 1671, 1683, 1799, 1873, 2014, 2088, and 2148.

House Bill 1001

Representative Bauer called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1001-1)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 22, between lines 41 and 42, insert:

"Informatics Minor 372,500".

Page 36, line 31, delete "Other" and insert **"Total".**

Page 36, line 36, delete "administrations" and insert **"administration".**

Page 38, line 33, delete "\$700,000 for each year" and insert **"\$1,300,000 in fiscal year 2001-2002 and \$1,400,000 in fiscal year 2002-2003".**

Page 56, line 12, after "HERITAGE" insert **"CORRIDOR".**

Page 81, delete lines 38 through 39.

Page 90, line 36, delete "182,571,787" and insert **"177,760,767".**

Page 90, line 38, delete "263,085,918" and insert **"267,896,938".**

Page 98, line 19, delete "Musuem" and insert **"Museum".**

Page 98, line 44, delete "Women't" and insert **"Women's".**

Page 98, line 49, delete "Arboriteum" and insert **"Arboretum".**

Page 99, between lines 32 and 33, insert:

"Celestine VFD 10,000".

Page 100, line 7, delete "Clestine VFD" and insert **"Washington" 10,000".**

Page 100, line 29, delete "Washington" and insert **"Washington".**

Page 101, line 10, delete "Piegeon" and insert **"Pigeon".**

Page 104, line 38, delete "Cummunity" and insert **"Community".**

Page 105, line 6, delete "Porgram" and insert **"Program".**

Page 109, line 4, delete "Musuem" and insert **"Museum".**

Page 110, line 8, delete "bulding" and insert **"building".**

Page 110, line 14, delete "Imrpovement" and insert **"Improvement".**

Page 110, line 44, delete "Sultural" and insert **"Cultural".**

Page 112, line 24, delete "Creed" and insert **"Creek".**

Page 119, between lines 17 and 18, insert:

"SECTION 44. [EFFECTIVE JULY 1, 2001]

Notwithstanding the provisions of IC 4-33-12-6 and the provisions of IC 15-1.5-3, \$3,000,000 shall be deposited in the Build Indiana Fund during the biennium from funds accruing under IC 4-33-12-6(b)(4)."

Page 132, line 43, delete "(a)".

Page 133, between lines 37 and 38, begin a new line single block indented and insert:

"(4) After the amounts have been allocated under subdivisions (1) through (3), each month one-twelfth (1/12) of the amounts appropriated to the public mass transportation fund, the industrial rail service fund, and the commuter rail service fund for the fiscal year shall be credited to those funds."

Page 133, line 38, strike "(4)" and insert **"(5)".**

Page 133, line 40, strike "(5)" and insert **"(6)".**

Page 133, line 41, strike "(6)" and insert **"(7)".**

Page 133, line 45, strike "(7)" and insert **"(8)".**

Page 133, line 45, after "section" insert **", other than subdivision (4)."**

Page 134, delete lines 3 through 6, begin a new paragraph and insert:

"SECTION 81. IC 8-14-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The department may create a local agency revolving fund from money appropriated under ~~section 3(7)~~ section 3(8) of this chapter for the purpose of maintaining a sufficient working balance in accounts established primarily to facilitate the matching of federal and local money for highway projects.

(b) The revolving fund balance must be maintained through reimbursement from a local unit for money used by that unit to match federal funds.

(c) If the local unit fails to reimburse the revolving fund, the department shall notify the local unit that the department has found the outstanding accounts receivable to be uncollectible.

(d) The attorney general shall review the outstanding accounts receivable and if the attorney general agrees with the department's assessment of the account's status, the attorney general shall certify to the auditor of state that the outstanding accounts receivable is

uncollectible and request a transfer of funds as provided in subsection (e).

(e) Upon receipt of a certificate as specified in subsection (d), the auditor of state shall:

- (1) immediately notify the delinquent local unit of the claim; and**
- (2) if proof of payment is not furnished to the auditor of state within thirty (30) days after the notification, transfer an amount equal to the outstanding accounts receivable to the department from the delinquent local unit's allocations from the motor vehicle highway account for deposit in the local agency revolving fund.**

(f) Transfers shall be made under subsection (e) until the unpaid amount has been paid in full under the terms of the agreement. However, the agreement may be amended if both the department and the unit agree to amortize the transfer over a period not to exceed five (5) years.

(g) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 82. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 54. (a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:

- (1) All money in the general fund to the credit of the state highway account.**
- (2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.**
- (3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.**
- (4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.**
- (5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.**
- (6) All money that may at any time be appropriated from the state treasury.**
- (7) Any part of the state highway fund unexpended at the expiration of any fiscal year, which shall remain in the fund and be available for the succeeding years.**
- (8) Any money credited to the state highway fund from the motor vehicle highway account under ~~IC 8-14-1-3(4)~~ IC 8-14-1-3(5).**
- (9) Any money credited to the state highway fund from the highway road and street fund under IC 8-14-2-3.**
- (10) Any money credited to the state highway fund under IC 6-6-4.1-5 or IC 8-16-1-17.1.**

(b) All expenses incurred in carrying out this chapter shall be paid out of the state highway fund."

Page 135, delete lines 32 through 49.

Page 136, delete lines 1 through 5.

Page 136, between lines 36 and 37, begin a new line single block indented and insert:

"The school corporation's 2002 assessed valuation shall be used for purposes of determining the levy under clause (C) in 2002 and in 2003."

Page 136, between lines 42 and 43, begin a new line single block indented and insert:

"The school corporation's 2002 assessed valuation shall be used for purposes of determining the levy under this STEP in 2002 and in 2003."

Page 136, between lines 48 and 49, begin a new line single block indented and insert:

"The school corporation's 2002 assessed valuation shall be used for purposes of determining the levy under this STEP in 2002 and in 2003."

Page 139, line 44, delete "fifty" and insert **"forty-nine".**

Page 139, line 44, delete "\$4,450" and insert **"(\$4,449)".**

Page 139, line 44, delete "ten" and insert **"fourteen".**

Page 139, line 45, delete "\$4,610" and insert **"(\$4,614)".**

Page 140, line 4, delete "fifty" and insert **"forty-nine".**

Page 140, line 4, delete "\$4,450" and insert "**(\$4,449)**".
 Page 140, line 5, delete "ten" and insert "**fourteen**".
 Page 140, line 5, delete "\$4,610" and insert "**(\$4,614)**".
 Page 140, line 6, delete "twenty" and insert "**seventeen**".
 Page 140, line 6, delete "\$120." and insert "**(\$117) in 2002 and one hundred thirteen (\$113) dollars in 2003.**"
 Page 140, line 8, delete "fifty" and insert "**forty-nine**".
 Page 140, line 8, delete "\$4,450" and insert "**(\$4,449)**".
 Page 140, line 11, delete "ten" and insert "**fourteen**".
 Page 140, line 11, delete "\$4,610" and insert "**(\$4,614)**".
 Page 140, line 16, delete "fifty" and insert "**forty-nine**".
 Page 140, line 17, delete "\$4,450" and insert "**(\$4,449)**".
 Page 140, line 17, delete "ten" and insert "**fourteen**".
 Page 140, line 17, delete "\$4,610" and insert "**(\$4,614)**".
 Page 140, line 19, delete "seventy-five" and insert "**seventy-six**".
 Page 140, line 20, delete "\$1,075)" and insert "**(\$1,076)**".
 Page 140, line 21, delete "fifteen" and insert "**eleven**".
 Page 140, line 21, delete "\$1,215)" and insert "**(\$1,211)**".
 Page 140, line 22, delete "seventy" and insert "**sixty-seven**".
 Page 140, line 22, delete "\$70)." and insert "**(\$67) dollars in 2002 and sixty-three dollars (\$63) in 2003.**"
 Page 140, line 23, delete "twenty" and insert "**seventeen**".
 Page 140, line 23, delete "\$120)." and insert "**(\$117) in 2002 and one hundred thirteen (\$113) dollars in 2003.**"
 Page 141, line 4, strike "current" and insert "**2002**".
 Page 141, line 32, strike "current" and insert "**2002**".
 Page 141, line 42, delete "seventy-five" and insert "**fifty-nine**".
 Page 141, line 43, delete "\$0.9275)" and insert "**(\$0.9259)**".
 Page 141, line 44, delete "two-tenths" and insert "**nine-hundredths**".
 Page 141, line 45, delete "(0.972)" and insert "**(\$0.9709)**".
 Page 142, line 4, after "chapter," insert "**for primetime distributions under IC 21-1-30.**"
 Page 143, line 1, strike "twenty-five" and insert "**forty-four**".
 Page 143, line 2, strike "\$925)" and insert "**(\$944) in 2002 and nine hundred sixty-three dollars (\$963) in 2003.**"
 Page 143, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 98. P.L.93-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: SECTION 6. (a) Notwithstanding IC 21-3-1.6-1.2, as added by this act, and IC 21-3-1.7, the tuition support determined under IC 21-3-1.7-8 for a school corporation shall be reduced as follows:
 (1) For 2001, the previous year's revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount determined under the following STEPS:
 STEP ONE: Determine the difference between:
 (A) the school corporation's average daily membership count for 2000, without regard to IC 21-3-1.6-1.2, as added by this act; minus
 (B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act.
 STEP TWO: Determine the result of:
 (A) the school corporation's previous year's revenue under IC 21-3-1.7-3.1, without regard to IC 21-3-1.6-1.2, as added by this act; divided by
 (B) the school corporation's average daily membership for 2000, without regard to IC 21-3-1.6-1.2, as added by this act.
 STEP THREE: Multiply the STEP ONE result by the STEP TWO result.
 STEP FOUR: Multiply the STEP THREE result by one-third (1/3).
 (2) For 2002, the previous year revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount equal to the result under STEP FOUR of subdivision (1) multiplied by one and three-hundredths (1.03).
 (3) For 2003, the previous year revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced

by an amount equal to the reduction amount under subdivision (2) multiplied by ~~one and three-hundredths (1.03):~~ **the percentage by which the school corporation's previous year revenue was multiplied in the previous year under IC 21-3-1.7-6.7 STEP FIVE (B).**

(b) This SECTION expires January 1, 2004.

SECTION 99. P.L.93-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: SECTION 7. (a) Notwithstanding IC 21-3-1.6-1.2, as added by this act, and IC 21-3-1.7-6.6, for 2001 **through 2004** a school corporation's "adjusted ADM", for purposes of IC 21-3-1.7, is determined under the following STEPS:

STEP ONE: Determine the school corporation's adjusted ADM under IC 21-3-1.7-6.6 for ~~2001: the current year.~~ For purposes of determining adjusted ADM for ~~2001: the current year,~~ 2000 ADM is without regard to IC 21-3-1.6-1.2.

STEP TWO: Determine the difference between:

(A) the school corporation's average daily membership count for 2000, without regard to IC 21-3-1.6-1.2, as added by this act; minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act.

STEP THREE: Multiply the STEP TWO result by:

(A) twenty-seven percent (27%) **in 2001;**

(B) **forty percent (40%) in 2002 and in 2003; and**

(C) **twenty percent (20%) in 2004.**

STEP FOUR: Determine the greater of zero (0) or the result of:

(A) the school corporation's average daily membership count for ~~2001: the current year;~~ minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act, regardless of the effective date of IC 21-3-1.6-1.2.

STEP FIVE: Multiply the STEP FOUR result by:

(A) twenty-seven percent (27%) **in 2001;**

(B) **forty percent (40%) in 2002 and in 2003; and**

(C) **twenty percent (20%) in 2004.**

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP THREE result; minus

(B) the STEP FIVE result.

STEP SEVEN: Determine the result of:

(A) the STEP ONE result; minus

(B) the STEP SIX result.

(b) This SECTION expires January 1, ~~2004:~~ **2005.**"

Page 148, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 113. IC 6-1.1-20.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) The amount of the credit to which the individual is entitled equals the product of:

(1) the percentage prescribed in subsection (d); multiplied by

(2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is attributable to the homestead during the particular calendar year.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%
1998 through 2001 2002	10%
2002 2003 and thereafter	4%

However, the property tax replacement fund board established under IC 6-1.1-21-10, in its sole discretion, may increase the percentage of the credit provided in the schedule for any year, if the board feels that the property tax replacement fund contains enough money for the resulting increased distribution. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board in its discretion increases the percentage of the credit provided in the schedule for that particular year. However, the percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

- (1) an individual uses the residence as the individual's principal place of residence;
- (2) the residence is located in Indiana;
- (3) the individual has a beneficial interest in the taxpayer;
- (4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and
- (5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2001.)

BAUER

Motion prevailed.

HOUSE MOTION (Amendment 1001-4)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Insert into the bill digest the following:

"The biennial budget presented herein makes appropriations from the state general fund and the property tax replacement fund totaling \$10,264,163,611 in FY2002 and \$10,668,573,292 in FY2003. The estimated regular revenue collections for the state general fund and the property tax replacement fund during this biennial budget period are \$9,847,500,000 for FY2002 and \$10,376,800,000 in FY2003. The projected combined annual budget deficit for the state general fund and the property tax replacement fund is \$416,663,611 in FY2002 and \$291,773,292 in FY2003. As a percentage of total state general fund and property tax replacement fund appropriations, the annual budget deficit is -4.1% in FY2002 and -2.7% in FY2003."

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-2.1-1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The first page of a budget bill (as defined in IC 4-12-1-2(e)) must include in the bill digest or synopsis an annual

surplus or deficit estimate for each fiscal year of the biennium. This estimate must identify both the dollar amount and the percentage amount of the annual surplus or deficit for each year of the biennium.

(b) The estimate must include the following calculations:

(1) A determination of the result of:

(A) regular revenues; minus

(B) total state general fund and property tax replacement fund appropriations.

(2) A determination of the result of:

(A) regular revenues divided by total state general fund and property tax replacement fund appropriations; minus

(B) one (1).

For purposes of this subsection, "regular revenues" means all revenue sources forecasted by the revenue forecast technical committee and deposited into the state general fund or the property tax replacement fund, including state gross retail taxes and use taxes, state individual adjusted gross income tax, corporate gross income tax, corporate adjusted gross income tax, cigarette tax, alcoholic beverage taxes, inheritance tax, insurance premium tax, financial institutions tax, interest income, and other miscellaneous state general fund and property tax replacement fund income or taxes."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2001.)

TURNER

After discussion, Representative Turner withdrew the motion.

HOUSE MOTION (Amendment 1001-3)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 148, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 113. [EFFECTIVE OCTOBER 1, 2000 (RETROACTIVE)]

(a) This SECTION applies to retail unitary transactions (as defined in IC 6-2.5-1-1) involving the furnishing of natural gas for residential heating occurring after September 30, 2000, and before April 1, 2001.

(b) For purposes of this SECTION, "property manager" means a taxpayer that:

(1) owns or operates a multi-family dwelling; and

(2) is billed for a transaction described in subsection (a).

The term includes a landlord and the proprietor, manager, or association of co-owners of a condominium.

(c) For purposes of this SECTION, a "residential user" is an individual who owns or rents a dwelling and who is billed directly for a transaction described in subsection (a).

(d) For purposes of this SECTION, "utility" means a public or municipal utility that furnishes natural gas for residential heating.

(e) After March 31, 2001, and before May 1, 2001, a utility shall apply a credit to the bill of a property manager or residential user. The credit shall equal one-half (1/2) the amount of gross retail tax paid by the property manager or residential user on a transaction described in subsection (a).

(f) A utility shall submit to the department of revenue, not later than May 31, 2001, a claim for the total amount of credits applied under subsection (e).

(g) The department of revenue shall, not later than June 30, 2001, reimburse the utility the amount submitted under subsection (f). The amount required to pay the reimbursement is appropriated from the state general fund.

(h) This SECTION expires January 1, 2002."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2001.)

MURPHY

Representative Moses rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1001 a bill pending before the House (House Bill 1712).

Representative Murphy withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

House Bill 1028

Representative V. Smith called down House Bill 1028 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1028-1)

Mr. Speaker: I move that House Bill 1028 be amended to read as follows:

Page 1, line 3, delete "The evaluation of a" and insert **"(a) A principal's employment contract may not be terminated based on the standardized test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as an indicator in determining whether to initiate a comprehensive evaluation of a principal's overall performance at the school"**.

Page 1, delete lines 4 through 6.

(Reference is to House Bill 1028 as introduced.)

V. SMITH

Motion prevailed. The bill was ordered engrossed.

House Bill 1480

Representative Bauer called down House Bill 1480 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1480-1)

Mr. Speaker: I move that House Bill 1480 be amended to read as follows:

Page 38, line 30, strike "three" and insert **"five"**.

Page 38, line 31, strike "(3%)" and insert **"(5%)"**.

Page 67, line 36, delete "and".

Page 67, line 37, delete "IC 6-8.1-9.5-14, as added by this act, apply" and insert **"applies"**.

(Reference is to HB 1480 as printed February 20, 2001.)

FRENZ

Motion prevailed. The bill was ordered engrossed.

House Bill 1540

Representative Fry called down House Bill 1540 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 1540-3)

Mr. Speaker: I move that House Bill 1540 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-15-1.8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.5. There is created within the department the office of chief negotiator. The chief negotiator is appointed by and serves at the pleasure of the governor. The chief negotiator may be the director. The chief negotiator is responsible for negotiating all collective bargaining agreements of the executive branch (as defined in IC 5-27-1).

SECTION 2. IC 4-15-2-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) This section does not apply to an individual who is a member of a collective bargaining unit that has entered into a collective bargaining agreement under IC 5-27 for complaints arising while the agreement is in force.

(b) Any regular employee may file a complaint if his status of employment is involuntarily changed or if he deems conditions of employment to be unsatisfactory. However, the complaint procedure shall be initiated as soon as possible after the occurrence of the act or condition complained of and in no event shall be initiated more

than thirty (30) calendar days after the employee is notified of a change in his status of employment or after an unsatisfactory condition of employment is created. Failure to initiate the complaint procedure within such time period shall render the complaint procedure unavailable to the employee. The following complaint procedure shall be followed:

Step F: (1) The complaint procedure shall be initiated by a discussion of the complaint by the employee and his immediate supervisor and, if a mutually satisfactory settlement has not been made within two (2) consecutive working days, such complaint may be referred to Step H: subdivision (2).

Step H: (2) The complaint shall be reduced to writing and presented to the intermediate supervisor. If a mutually satisfactory settlement has not been reached within four (4) consecutive working days, such complaint may then be referred to the Appointing Authority.

Step H: (3) The Appointing Authority or his designated representative shall hold such hearings and conduct such investigations as he deems necessary to render a decision and shall make such decision in writing within ten (10) consecutive working days.

(4) Should the appointing authority or his designated representative not find in favor of the employee, the complaint may be submitted within fifteen (15) calendar days to the state personnel director. The director or his designee shall review the complaint and render a decision within fifteen (15) calendar days. If the decision is not agreeable to the employee, an appeal may be submitted by the employee in writing to the commission no later than fifteen (15) calendar days from the date the employee has been given notice of the action taken by the personnel director or his designee. After submission of the appeal, the commission shall, prior to rendering its decision, grant the appealing employee and the appointing authority a public hearing, with the right to be represented and to present evidence. With respect to all appeals, the commission shall render its decision within thirty (30) days after the date of the hearing on the appeal. If the commission finds that the action against the employee was taken on the basis of politics, religion, sex, age, race or because of membership in an employee organization, the employee shall be reinstated to his position without loss of pay. In all other cases the appointing authority shall follow the recommendation of the commission which may include reinstatement and payment of salary or wages lost by the employee which may be mitigated by any wages the employee earned from other employment during a dismissed or suspended period.

(5) If the recommendation of the commission is not agreeable to the employee, the employee, within fifteen (15) calendar days from receipt of the commission recommendation, may elect to submit the complaint to arbitration. The cost of arbitration shall be shared equally by the employee and the state of Indiana. The commissioner of labor shall prepare a list of three (3) impartial individuals trained in labor relations, and from this list each party shall strike one (1) name. The remaining arbitrator shall consider the issues which were presented to the commission and shall afford the parties a public hearing with the right to be represented and to present evidence. The arbitrator's findings and recommendations shall be binding on both parties and shall immediately be instituted by the commission.

SECTION 3. IC 4-21.5-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) This article applies to the following:

(1) The public employees relations board established by IC 5-27-2.

(2) Interest arbitration under IC 5-27-14.

(b) This article does not apply to grievance arbitration under IC 5-27-15.

SECTION 4. IC 5-14-1.5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) Whenever a governing body, or any person authorized to act for a governing body, meets with an employee organization, or any person authorized

to act for an employee organization; for the purpose of: there is collective bargaining or discussion between the parties under IC 20-7.5 or IC 5-27, the following apply:

- (1) Any party may inform the public of the status of collective bargaining or discussion as it progresses by release of factual information and expression of opinion based upon factual information.
- (2) If a mediator is appointed, any report the mediator may file at the conclusion of mediation is a public record open to public inspection; confidential.
- (3) If a factfinder is appointed, any hearings the factfinder holds must be open at all times for the purpose of permitting members of the public to observe and record them. Any findings and recommendations the factfinder makes are public records open to public inspection subject to inspection and copying as provided by IC 20-7.5-1-13(e) or any other applicable statute relating to factfinding in connection with public collective bargaining; and IC 5-27-13-2(e).
- (4) If an arbitrator is appointed, all decisions, opinions, or awards made by an arbitrator are subject to public inspection and copying under IC 5-14-3-3.
- (b) This section supplements and does not limit any other provision of this chapter.".

Page 1, line 15, before "decision" insert "final and binding".

Page 1, line 16, after "individual" insert "or designee".

Page 3, line 8, after "subdivision" insert "as defined in section 6(1) of this chapter".

Page 3, delete lines 11 through 12.

Page 3, between lines 15 and 16, begin a new line block indented and insert:

"(17) A certificated employee of a school corporation as defined in IC 20-7.5-1-2(f).".

Page 4, line 18, delete "ten" and insert "thirty".

Page 4, line 18, delete "(10%)" and insert "(30%)".

Page 5, delete lines 32 through 33, begin a new paragraph and insert:

"Sec. 4. (a) The governor shall designate a member of the PERB to serve as the chairman. The chairman:

- (1) shall serve as the full time director; and
- (2) must possess educational credentials and experience in labor relations matters as a prerequisite to designation as chairman.

(b) The chairman shall give full time to the chairman's duties. The chairman of the PERB shall not engage in any other business, vocation, or employment. "

Page 6, between lines 14 and 15, begin a new line double block indented and insert:

"(7) Enforce its own decisions and determinations according to IC 4-21.5.".

Page 10, delete lines 11 and 12, begin a new paragraph and insert:

"(b) Other bargaining units, other than those listed in subsection (a) may be established by the PERB.".

Page 12, line 8, delete "January 1, 1996" and insert "July 1, 2001".

Page 13, delete lines 30 through 42, begin a new paragraph and insert:

"Sec. 7. (a) A representation proceeding held under this chapter:

- (1) must be by secret ballot;
- (2) may not be held unless one (1) year has elapsed since the last representation proceeding if there is no recognized exclusive representative; and
- (3) may not be held unless two (2) years have elapsed since the last representation proceeding if there is an exclusive representative and an agreement ratified by both parties; or
- (4) if otherwise provided for in a collectively bargained agreement, may not exceed an elapsed time of five (5) years unless no party petitions the PERB for a representation proceeding.

(b) The rules adopted by the PERB under this article must provide for a thirty (30) day period in advance of the date fixed for the initiation of negotiations under IC 5-27-12 during which a decertification petition concerning employees of eligible political

subdivisions may be filed. The PERB may order a representation proceeding based on a decertification petition filed under this subsection.

(c) The PERB and an employer shall provide employees a liberal opportunity to participate in elections held under this chapter. Mail-in ballots may be used if agreed to by the parties.

(d) Absentee ballots may be used in an election under this chapter.".

Page 14, delete lines 1 through 9.

Page 15, delete lines 12 through 38, begin a new paragraph and insert:

"Sec. 1. An employee organization that has been certified as the exclusive bargaining representative of a bargaining unit shall be decertified as the exclusive bargaining representative of the bargaining unit under this chapter if a majority of the employees vote in an election under IC 5-27-8:

(1) not to be represented by an exclusive bargaining representative; or

(2) to be represented by a different employee organization.

Sec. 2. Petitions for decertification of an exclusive bargaining representative may be filed by an:

(1) employee; or

(2) employee organization.".

Page 16, delete lines 8 through 14.

Page 16, line 15, delete "(d)" and insert "(c)".

Page 16, line 15, delete "interested" and insert "the recognized".

Page 16, line 15, delete "organizations" and insert "organization".

Page 16, delete lines 18 through 32, begin a new paragraph and insert:

"Sec. 1. (a) As used in this section, "just cause", as the term pertains to employees, includes any of the following:

(1) Falsification of an employment application to obtain employment through subterfuge.

(2) Knowing violation of a reasonable and uniformly enforced rule of an employer.

(3) Unsatisfactory attendance, if the employee is unable to show good cause for the employee's absences or tardiness.

(4) Damaging the employer's property through willful negligence.

(5) Refusing to obey lawful instructions.

(6) Reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on the employer's premises or while operating the employer's vehicles during work hours.

(7) Conduct endangering the safety of the employee, any other employees, clients, or others entrusted to the employee's care.

(8) Incarceration following the conviction of a misdemeanor or felony.

(9) Any breach of a duty in connection with the employee's employment that is reasonably owed the employer by an employee.

(b) An employer has the right to do the following:

(1) Direct the work of the employer's employees.

(2) Hire, classify, evaluate, promote, transfer, assign, and retain employees.

(3) Suspend, demote, reassign, or discharge employees for just cause.

(4) Maintain the efficiency of all governmental operations.

(5) Relieve an employee from duties because of a lack of work or funds.

(6) Determine and implement the methods, means, assignments, and personnel by which the employer's operations are to be conducted.

(7) Initiate, prepare, certify, and administer the employer's budget.

(8) Exercise all other powers and duties granted to the employer by law.".

Page 18, delete lines 22 through 23.

Page 18, line 24, delete "(8)" and insert "(7)".

Page 18, line 26, delete "(9)" and insert "(8)".

Page 19, delete lines 32 through 42, begin a new paragraph and insert:

"Chapter 12. Collective Bargaining"

Sec. 1. As used in this section, "deficit financing" means, with respect to any budget year, expenditures that exceed money legally available to the employer.

Sec. 2. The employer's duty to begin collective bargaining arises when the exclusive bargaining representative submits a written notice regarding entering into negotiations. Negotiations shall begin within thirty (30) days of this notification unless the parties agree mutually to an alternative arrangement.

Sec. 3. (a) The parties shall determine collective bargaining negotiations calendar and contract duration.

(b) Contracts continue in effect until replaced by a successor agreement ratified by the parties.

(c) During this status quo period, in order to permit the successful resolution of the dispute, the employer may not unilaterally change the:

- (1) terms; or
- (2) conditions;

of employment that are issues in dispute.

Sec. 4. The parties shall not enter into any agreement that would place the employer in a position of deficit financing."

Page 20, delete lines 1 through 37.

Page 21, line 13, delete "5-27-14," and insert "5-27-14, unless the exclusive bargaining representative chooses to be free of binding arbitration impasse resolution before bargaining begins by notifying:

- (1) the PERB; and
- (2) the chief negotiator or designee."

Page 22, line 12, delete "made public." and insert "confidential."

Page 23, delete lines 34 through 35, begin a new paragraph and insert:

"Sec. 3. The compensation and expenses of any mediator or fact-finder shall be borne by the PERB."

Page 25, delete lines 10 through 42, begin a new paragraph and insert:

"Sec. 7. Unless the parties reached agreement at the pre-hearing conference, the arbitrator may do the following:

- (1) Hold hearings and administer oaths.
- (2) Examine witnesses and documents.
- (3) Take testimony and receive evidence.
- (4) Issue subpoenas to compel the attendance of witnesses and the production of records.
- (5) Petition the circuit or superior court in Marion County or the county in which a hearing is held to enforce an order compelling the attendance of witnesses and the production of records.

Sec. 8. In making an award, the arbitrator shall consider, in addition to any other relevant factors, the following factors:

- (1) Past collective bargaining agreements between the parties, including the bargaining that led up to the agreements.
- (2) Comparison of wages, hours, and conditions of employment of the employees in the bargaining unit with those doing the same work in the public or private sector, giving consideration to factors peculiar to the area and the classifications involved.
- (3) The interests and welfare of the public, the ability of the employer to finance economic adjustments, and the effect of the adjustments on the normal standard of services.
- (4) Any other factor customarily considered in the negotiations of public sector labor agreements.

Sec. 9. (a) The arbitrator shall select, within fifteen (15) days (or longer if agreed to by both parties) after the arbitrator's first meeting, the most reasonable offer of:

- (1) the final offers on each issue submitted by the parties; or
- (2) the recommendations of the factfinder, if factfinding occurred;

on each unresolved issue.

(b) The arbitrator's selection with respect to a particular issue may not deviate from the final offer or factfinding recommendation, if any. The award must be accompanied by a written opinion. The arbitrator shall deliver copies of the opinion and the award within thirty (30) days (or longer if agreed to by both parties) after the close

of the final hearing in the matter to the parties and the PERB.

Sec. 10. The selections by the arbitrator and the other issues agreed upon by the employer and the employee organization shall be the bargaining agreement between the parties. The agreement shall be considered final and binding upon the parties.

Sec. 11. The costs of an arbitrator shall be paid by the PERB which shall be reimbursed by the two (2) parties to the arbitration under procedures for collection and payment established by the PERB.

Sec. 12. An arbitration award under this chapter is subject to judicial review under IC 4-21.5.

Chapter 15. Grievance Procedure

Sec. 1. A bargaining agreement must contain a grievance procedure culminating in binding arbitration of unresolved disputes over the interpretation or application of the collective bargaining agreement.

Sec. 2. A binding arbitration award with respect to a grievance may not amend, add to, or subtract from provisions of the collective bargaining agreement or other unresolved disputes.

Sec. 3. The grievance arbitration provisions of bargaining agreements are subject to IC 34-57-2.

Sec. 4. The costs of arbitration under this chapter shall be shared equally by the parties.

Sec. 5. IC 5-14-1.5 applies to grievance arbitration proceedings under this chapter.

Chapter 16. Strikes

Sec. 1. (a) It is unlawful for an employee or employee organization to take part in or assist in a strike against an employer.

(b) Any employer may, in an action at law, suit in equity, or other proper proceeding, take action against any employee or employee organization aiding or abetting in a strike, for redress of such unlawful act.

(c) When any employee organization, or affiliate thereof, engages in a strike, or aids or abets therein, the employer may petition a circuit or superior court in:

- (1) the county where the violation has occurred; or
- (2) Marion County;

for remedy against the employee organization. The exclusive remedy against the employee organization, including remedy for violations of IC 34-47, is loss of its dues deduction privilege for a period of one (1) year.

(d) An employer shall not pay a public employee for any day when the public employee fails as a result of a strike to report for work as required by the employer.

Sec. 2. IC 22-6-1 does not apply to this article.

Sec. 3. IC 22-6-2 shall apply when in conflict with this article.

Chapter 17. Unit Determination and Selection of the Exclusive Representative

Sec. 1. Assignment of employees to units shall be made in the following manner:

- (1) for employees under IC 5-27-1-9(a)(1), by mutual agreement of the state personnel director and the exclusive bargaining representative of the state employees for the job classification of the individual employee; or
- (2) for employees under IC 5-27-1-9(a)(2) or IC 5-27-1-9(a)(3), by the management designee and the exclusive bargaining representative.

Sec. 2. (a) If:

- (1) the management designee and the exclusive bargaining representative cannot agree upon employee assignment to a unit; or
- (2) an employee files a complaint to such assigned unit with the PERB;

the proper assigned unit shall be determined by the PERB.

(b) The determination under subsection (a) shall be made by the PERB after a hearing and its decision shall be based on, but shall not be limited to, the following considerations:

- (1) Efficient administration of governmental operations.
- (2) The existence of a community of interest among governmental employees.

(3) The effects on the governmental unit and governmental employees of fragmentation of units.

(4) Recommendations of the parties involved.

In making the determination notice shall be given to all interested parties in accordance with the rules of the board, but the board need not follow the provisions of IC 4-21.5."

Delete pages 26 through 31.

Page 32, delete lines 1 through 22.

Page 32, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 6. IC 20-7.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. The school employer shall, on receipt of the written authorization of a school employee, deduct from the pay of such employee any dues **or assessments** designated or certified by the appropriate officer of a school employee organization which is an exclusive representative of any employees of the school employer and shall remit such dues to such school employee organization; however, such deductions shall be consistent with the provisions of IC 22-2-6 and IC 22-2-7, and IC 20-6.1-5-11.

SECTION 7. IC 20-7.5-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. ~~Strikes:~~

(a) It shall be unlawful for any school employee, school employee organization, or any affiliate, including but not limited to state or national affiliates thereof, to take part in or assist in a strike against a school employer or school corporation.

(b) Any school corporation or school employer may, in an action at law, suit in equity, or other proper proceeding, take action against any ~~school employee organization, any affiliate thereof, or any person~~ aiding or abetting in a strike, for redress of such unlawful act.

(c) ~~Where~~ **When** any exclusive representative engages in a strike, or aids or abets therein, **the school employer or school corporation may petition a circuit or superior court in:**

(1) **the county in which the violation has occurred; or**

(2) **Marion County;**

for remedy against the exclusive representative. The exclusive remedy against the exclusive representative, including remedy for violations of IC 34-47, it shall lose its loss of its dues deduction privilege for a period of one (1) year.

(d) No regulation, rule or law with respect to the minimum length of a school year shall be applicable or shall require make-up days in any situation where schools in a school corporation are closed as a result of a school employee strike. A school corporation shall not pay any school employee for any day when the school employee fails as a result of a strike to report for work as required by the school year calendar."

Page 32, line 27, delete "(a)".

Page 32, delete lines 28 through 40.

Page 32, line 41, delete "(b) Notwithstanding subsection (a), for" and insert "For".

Page 32, line 41, delete "those".

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as reprinted February 13, 2001.)

FRY

Motion prevailed. The bill was ordered engrossed.

House Bill 1638

Representative Kuzman called down House Bill 1638 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1638-5)

Mr. Speaker: I move that House Bill 1638 be amended to read as follows:

Page 11, line 26, delete "1/2" and insert "1/2".

Page 11, line 27, delete "1/2" and insert "1/2".

Page 15, line 30, before "alcohol" delete "....".

Page 15, line 31, delete "....".

Page 19, line 26, delete "....".

Page 19, line 27, delete "(1)".

Page 19, line 27, delete "for a location" and insert ".".

Page 19, run in lines 26 through 27.

Page 19, delete lines 28 through 31.

Page 20, line 3, delete "(2)The" and insert "(2) The".

Page 24, line 32, delete "The permit may include the carryout sale of".

Page 24, delete lines 33 through 35.

Page 25, line 19, delete "for a location that is not" and insert "**other than a liquor dealer's permit,**".

Page 25, delete line 20.

Page 25, line 21, delete "determined in conformity with IC 7.1-3-22-8,".

Page 34, line 5, delete "9 and 10" and insert "**10 and 11**".

Page 40, line 11, after "affidavit" insert "**or verified statement**".

Page 42, line 4, delete "alcohol" and insert "**Alcohol**".

Page 45, between lines 19 and 20, begin a new line block indented and insert:

"(12) United States Department of Agriculture, Office of Inspector General special agent."

Page 46, line 12, after "person" insert ".".

Page 46, line 12, after "the" delete ".".

Page 48, line 6, delete "reading".

Page 48, line 24, delete "1/2" and insert "1/2".

Page 48, line 40, after "(b)" insert "**This section does not apply to advertisements that are placed on a fixed, permanent marquee sign that is located on the retailer's property where tobacco products are sold.**

(c)".

Page 49, line 1, delete "," and insert ".".

Page 49, line 1, strike "including any advertisement that functions".

Page 49, line 2, strike "as a segment of a larger".

Page 49, line 2, delete "tobacco".

Page 49, line 2, strike "advertising unit or series".

Page 49, line 3, delete "Indiana alcoholic beverage" and insert "**alcohol and tobacco**".

Page 50, line 1, delete "7.1.3-4-5," and insert "**7.1-3-4-5,**".

Page 50, line 4, delete "7.1.3-4-5," and insert "**7.1-3-4-5,**".

Page 50, line 22, delete "only".

Page 50, line 23, after "applies" insert "**only**".

(Reference is to HB 1638 as printed February 16, 2001.)

KUZMAN

Motion prevailed.

HOUSE MOTION (Amendment 1638-2)

Mr. Speaker: I move that House Bill 1638 be amended to read as follows:

Page 15, line 13, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 15, line 14, delete ":" and insert "**supermarket, food store, or grocery store primarily engaged in the retail sale of:**

(1) **canned foods;**

(2) **dry goods such as tea, coffee, sugar, and flour;**

(3) **fruits and vegetables;**

(4) **meats, fish, and poultry; and**

(5) **prepared food."**

Page 15, delete lines 15 through 17.

Page 50, after line 25, begin a new paragraph and insert:

"SECTION 71. [EFFECTIVE UPON PASSAGE] IC 7.1-1-3-18.5, as added by this act terminates or prevents the renewal of an alcoholic beverage permit that was issued for a grocery store before the effective date of this act, if the permit holder does not substantially meet the requirements of a grocery store set forth in IC 7.1-1-3-18.5.

SECTION 72. An emergency is declared for this act."

(Reference is to HB 1638 as printed February 16, 2001.)

ALDERMAN

The Speaker ordered a division of the House and appointed Representatives Kuzman and Bosma to count the yeas and nays. Yeas 58, nays 34. Motion prevailed.

HOUSE MOTION (Amendment 1638-3)

Mr. Speaker: I move that House Bill 1638 be amended to read as follows:

Page 31, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 38. IC 7.1-3-21-11 IS AMENDED TO READ AS FOLLOWS: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in subsection (c), the commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) This subsection applies to a county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred twelve thousand ~~(112,000)~~ **(112,000) and a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight (78,000)**. The commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church unless:

- (1) the permit is a beer dealer or wine dealer permit for a grocery store **or a beer, wine and liquor dealer permit for a drug store;**
- (2) the main entrance of the grocery store **or drug store** and the main entrance of the school or church face different streets or roads;
- (3) there is a physical barrier between the grocery store **or drug store** and the school or church that prevents a person from moving between the two (2) properties; and
- (4) a wall of the grocery store **or drug store** is not situated within one hundred (100) feet from a wall of the school or church."

Renumber all SECTIONS consecutively.

(Reference is to HB1638 as printed February 16, 2001.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

House Bill 1788

Representative Liggett called down House Bill 1788 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1788-1)

Mr. Speaker: I move that House Bill 1788 be amended to read as follows:

Page 1, line 13, delete "utility installs service for a".

Page 1, line 13, after "customer" insert **"of a utility installs electric service,"**.

Page 1, line 13, after "or" insert **"an existing customer of the utility"**.

Page 1, line 14, delete "service for an existing customer," and insert **"the customer's electric service,"**.

Page 2, delete lines 4 through 7.

(Reference is to HB 1788 as printed February 20, 2001.)

LIGGETT

Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 2.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.4. ~~(a)~~ "Child care center", for purposes of IC 12-17.2, means a **nonresidential** building where at least ~~seventeen (17) children receive one (1) child receives~~ child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

~~(b) The term includes a building where child care is provided to less than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4."~~

Page 2, after line 25, begin a new line block indented and insert:

"(4) If the licensee does not reside in the child care home, the licensee must, upon application for a license, meet the following requirements:

(A) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(B) Provide documentation to the division that the licensee:

(i) has completed;

(ii) is enrolled in; or

(iii) agrees to complete within the next two (2) years;

a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under clause (B).

SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

- (3) Provide a fire extinguisher in each room that is used to provide child care services.
- (4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (5) Provide a minimum of thirty-five (35) square feet for each child.
- (6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

~~(7) Reside in the child care home.~~

~~(8) (7) Apply for a license before July 1, 1996, or after June 30, 2001.~~

~~(9) (8) Comply with rules adopted by the division of family and children for class II child care homes.~~

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

~~(7) (8) Comply with rules adopted by the division of family and children for class II child care homes.~~

~~(8) (7) Apply for a license before July 1, 1996, or after June 30, 2001.~~

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 4. [EFFECTIVE JULY 1, 2001] **The amendments made by this act to IC 12-7-2-33.7 do not apply to a person who was issued a license for a class I child care home before July 1, 2001."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1062 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child commits suspension truancy under IC 31-37-3.5.**

SECTION 2. IC 31-37-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3.5. Suspension Truancy

Sec. 1. This chapter does not apply to a student who is:

- (1) accompanied by the student's parent, guardian, or custodian;
- (2) engaging in lawful employment under adult supervision; or
- (3) responding to an emergency that requires the student to leave the student's residence.

Sec. 2. A student who:

- (1) has been suspended or expelled from school; and
- (2) leaves the student's residence or property:
 - (A) while the student is suspended or expelled; and
 - (B) while the school from which the student has been suspended or expelled is in session;

commits suspension truancy, a class D infraction.

Sec. 3. (a) A law enforcement officer who observes a student committing suspension truancy shall:

- (1) issue a citation to the student;
- (2) return the student to the student's residence; and
- (3) notify the student's parent, guardian, or custodian as soon as practically possible.

(b) A law enforcement officer who has observed a violation of this chapter shall forward:

- (1) a copy of the citation; and
- (2) a report of the incident;

to the juvenile probation department of the county.

Sec. 4. The five thousand dollar (\$5,000) cap on damages provided in IC 34-31-4-1 does not apply to the parent or guardian of a student who has committed a violation of this chapter.

Sec. 5. (a) In addition to the penalty provided in IC 34-28-5-4, a student who has violated the provisions of this chapter may be required to perform:

- (1) ten (10) hours of community service, for the student's first violation of this chapter; or
- (2) twenty (20) hours of community service, for the student's second violation of this chapter.

(b) If a student has committed three (3) or more violations under this chapter, the court shall file a report with the county office of family and children to determine whether the student is a child in need of services under IC 31-34-1.

SECTION 3. IC 34-31-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. Except as provided in section 2 of this chapter or in IC 31-37-3.5, a parent is liable for not more than**

five thousand dollars (\$5,000) in actual damages arising from harm to a person or damage to property knowingly, intentionally, or recklessly caused by the parent's child if:

- (1) the parent has custody of the child; and
- (2) the child is living with the parent.

(Reference is to HB 1221 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1770, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete ":" and insert **"an individual licensed, certified, registered, or permitted by any of the following:**

- (1) **Board of chiropractic examiners (IC 25-10-1).**
- (2) **State board of dentistry (IC 25-14-1).**
- (3) **Indiana state board of health facility administrators (IC 25-19-1).**
- (4) **Medical licensing board of Indiana (IC 25-22.5-2).**
- (5) **Indiana state board of nursing (IC 25-23-1).**
- (6) **Indiana optometry board (IC 25-24).**
- (7) **Indiana board of pharmacy (IC 25-26).**
- (8) **Board of podiatric medicine (IC 25-29-2-1).**
- (9) **Board of environmental health specialists (IC 25-32-1).**
- (10) **Speech-language pathology and audiology board (IC 25-35.6-2).**
- (11) **State psychology board (IC 25-33).**
- (12) **Indiana board of veterinary medical examiners (IC 15-5-1.1).**
- (13) **Indiana physical therapy committee (IC 25-27).**
- (14) **Respiratory care committee (IC 25-34.5).**
- (15) **Occupational therapy committee (IC 25-23.5).**
- (16) **Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).**
- (17) **Physician assistant committee (IC 25-27.5).**
- (18) **Indiana athletic trainers board (IC 25-5.1-2-1).**
- (19) **Indiana dietitians certification board (IC 25-14.5-2-1).**
- (20) **Indiana hypnotist committee (IC 25-20.5-1-7)."**

Page 1, delete lines 4 through 6.

Page 1, line 9, delete "For a provider who is a physician, a" and insert "A".

Page 1, line 11, delete "physician's" and insert "provider's".

Page 1, delete lines 12 through 17, begin a new line block indented and insert:

- "(2) The provider's license, certification, registration, or permit number.**
- (3) The provider's license, certification, registration, or permit type.**
- (4) The date the provider's license, certification, registration, or permit was issued.**
- (5) The date the provider's license, certification, registration, or permit expires.**
- (6) The current status of the provider's license, certification, registration, or permit.**
- (7) The provider's city and state of record.**
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a)."**

Delete pages 2 through 4, begin a new paragraph and insert:

"(d) The bureau shall make provider profiles available to the public.

(e) The computer gateway administered by the internet commission under IC 5-21-2 and known as Access Indiana shall make provider profiles available on the Internet at no cost to the public."

Page 5, delete lines 1 through 8.

Page 5, line 9, delete "(j)" and insert "(f)".

Page 5, line 15, delete "licensed to practice medicine, licensed as an".

Page 5, line 16, delete "advanced practice nurse, or certified as a physician assistant".

(Reference is to HB 1770 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1913, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 2119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1032 and 1254 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced that House Bill 1207 had been reassigned from the Committee on Courts and Criminal Code to the Committee on Public Health.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1448.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Budak and Crawford be added as coauthors of House Bill 1602.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as coauthor of House Bill 1767.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as coauthor of House Bill 1973.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as coauthor of House Bill 1975.

FRIEND

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mangus the House adjourned at 12:05 p.m., this twenty-second day of February, 2001, until Monday, February 26, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives